

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

Terence Banks,
Plaintiff

V.

Case No.14-cv-0381

Lt. Shawn Barker, et al.,
Defendant's.

PLAINTIFF'S SUPPLEMENTAL PROPOSED FINDING'S OF
FACT'S IN SUPPORT OF HIS OPPOSITION MOTION FOR SUMMARY JUDGMENT.

COMES NOW, the Plaintiff, Terence Banks, proceeding Pro-Se, with his supplemental proposed finding's of fact's in support of his opposition motion for summary judgment in the above case.

PLAINTIFF'S SUPPLEMENTAL PROPOSED FINDINGS OF FACT'S.

1. On 11-13-13, Mr. Banks was issued a 30 day (3) mattress from HSU. (Aff. of Terence Banks par. 4)

2. On 12-12-13, Lt. Shawn Barker sent a E-mail out saying in part; Terence Banks will be brought down to intake for his shower every three days. The larger handicap accessible shower is located at the end of the hallway, it has hand rails and a chair. A Jail alert has been added to his Phoenix file. The alert says "Shower Every 3 days in intake." An entry must be made in the activity log indicating he got his shower. If he refuses, this also must be logged. (Aff. of Terence Banks par. 5)

3. On 12-12-13, Banks filed a complaint to Lt. Friend about getting help to wash his arm. He got the request back with a SIG & PR#WS312 and that's it no answer. Then he appealed to the Jail Administrator no answer. (Aff. of Terence Banks par. 6)

4. On 12-16-13, Banks filed a complaint to Lt. Friend about a infection not being treated. No response so Banks filed a appeal to the Jail Administrator with no response. (Aff. of Terence Banks par. 7)

5. On 12-13-13, Banks wrote a complaint about being given a shower every (3) days. Lt. Barker wrote back, The intake shower is handicap accessible. This was confirmed by building & facilities. You are approved a shower every three days as stated in the Racine Co. Jail handbook. (Aff. of Terence Banks par. 8)

6. On 12-17-13, Banks wrote to Capt. Wearning going to a shower that has a handicap accessible shower. He wrote back saying that "I was told that you were requesting a handicap accessible shower. I approved for you to use the handicap accessible shower, which I have been told you are using." (Aff. of Terence Banks par. 9)

7. On 1-2-14, Banks was issued (2) mattresses on lower bunk. (Aff. of Terence Banks par. 10)

3. On 1-6-14, Banks went on a conduct report for Banks disrespecting C.O. Koldeway but it was dismissed. (Aff. of Terence Banks par. 11)

9. On 1-21-14, Banks wrote to Capt. Wearing asking about getting a shower everyday and handicap accessible. A Lt. wrote back because you are required a handicap accessible showering the shower in intake is made available to you every three days. I have placed a note on the floor for the officers with this directive. (Aff. of Terence Banks par. 12)

10. On 2-9-14, Banks received a conduct report for refusing to lock in because he was told that he would get his prescribed medical (3) mattresses, socks, blanket nor was it a handicap cell and he would not receive his mattress at all from 8:00am to 8:00pm. (Aff. of Terence Banks par. 13)

11. On 2-12-14, was issued a lower bunk, (2) mattresses, by the nurse. (Aff. of Terence Banks par. 14)

12. On 3-10-14, Banks was sent a sheet from the Hospital saying swelling happens when walking and/or after exercising with pain. (Aff. of Terence Banks par. 15)

13. On 4-2-14, Banks wrote a HSO request asking to have wheel-chair so that he would not have to be in pain and his leg keeps swelling up. Terence Banks received no response. (Aff. of Terence Banks par. 16)

14. On 1-30-14, C.O. Koldeway received a written reprimand of the excessive force on Banks by his co-workers. (Aff. of Terence Banks par. 17)

15. On 1-6-14, a copy of the incident of the excessive force of what C.O. Pearson said that he seen. (Aff. of Terence Banks par. 18)

16. On 1-6-14, a copy of the incident of the excessive force of what J.C.O. Blair of what she seen. (Aff. of Terence Banks par. 19)

17. On 1-12-14, a copy of the investigation of what Inv. Tracy Mintz found out. (Aff. of Terence Banks par. 20)

18. On 1-14-14, a copy of the incident and what Sgt. Moran witnessed and heard. (Aff. of Terence Banks par. 21)

19. On 4-23-14, I Banks filed a complaint about not having a handicap accessible room and Lt. Friend wrote back denying my request. (Aff. of Terence Banks par. 22)

20. On 5-4-14, explaining that his arm, leg and foot hurt and he was really sore and that the doctor said to avoid walking. HSO wrote back saying: blood & wt, level. When Banks filed a complaint on this issue he received no response so he appealed with no response. (Aff. of Terence Banks par. 23)

21. On 5-4-14, Banks wrote a complaint about the C.O.'s not giving him showers and sometimes waiting till 2:00am when the plaintiff would be sleep and they knew that he wouldn't want to get up because the medication had him drassy. They wrote back if you took

a shower when asked it would not be 5 days. So Banks appealed with no response. (Aff. of Terence Banks par. 24)

22. On 6-26-14, Banks wrote about daily showers. Like everyone else the plain from ASU said that Banks could take daily showers which was a restriction. Then the Nurse talked to the Capt. and agreed that the inmate could take a shower every (3) days. (Aff. of Terence Banks par. 25)

23. On 6-13-14, Banks filed a complaint that he was not getting adequate time in the shower and Lt. Friend said that Banks was getting adequate time but did not know how much time Banks was getting. (Aff. of Terence Banks par. 26)

24. On 10-1-14, Banks filed a complaint about not having his restriction of (3) mattresses while in the hole. They gave no response. Then the plaintiff appealed the response with no answer. (Aff. of Terence Banks par. 27)

25. On 9-27-14, Banks filed a complaint about being denied a medical mattress while in segregation from 8:00am to 3:pm and was in pain. The Sgt. Chavez did nothing so Banks appealed his complaint with no response. (Aff. of Terence Banks par. 28)

26. In the interrogatories the plaintiff asked: Disclose the the identity [sic] and contact information of the American with Disabilities Act Coordinator for the Racine County Jail at the time(s) relevant to the above captioned case. The answer was "Upon information and belief defendant is unaware of an American with Disabilities assigned to Racine County Jail. (Aff. of Terence Banks par. 29)

27. Banks has filed over (60) complaints and has appealed more than (30) grievances at Racine County Jail. (Aff. of Terence Banks par. 30)

28. Lt. Friend at the time Banks was housed at Racine County Jail was the Jail Administrator. (Aff. of Terence Banks par. 31)

29. The Jail Administrator failed to answer Banks' appeals when he filed them. (Aff. of Terence Banks par. 32)

30. The Racine County Jail handbook says in part on page 10, a written grievance/complaint can be submitted to jail supervisory staff then reviewed by the jail administrator and/or their designer. Grievance appeals must be done in writing within 10 days to the Jail Administrator using the inmate request form. (Aff. of Terence Banks par. 33)

31. Banks would complain to Scameling and about the ~~way~~ way the staff was treating him and he wouldn't do anything. (Aff. of Terence Banks par. 34)

32. Banks at times was unable to drink water because he could not eat get out of the bed and was losing weight. (Aff. of Terence Banks par. 35)

33. Sometimes Banks would use the bathroom on his self and have to lay in urine ~~waiting~~ ~~hours~~ for hours at a time until he was able to

get help because he couldn't get out of the bed.(Aff. of Terence Banks par.36)

34.Banks became dehydrated because of lack of water because he couldn't get out of the bed and had no help.(Aff. of Terence Banks par. 37)

35.The Jail defendant's took Banks cane and the effect of that was that he fall because he was trying to walk on his swelling legs which just caused him more pain.(Aff. of Terence Banks par. 38)

36.For the first (3)months while Banks was housed at Racine County Jail he was denied even a attempt to have a shower chair or accessible shower then after the (3)months the defendant's attempted to give the plaintiff a accessible shower and shower chair which still was not adequate.(Aff. of Terence Banks par. 39)

37.Banks was approved to have daily showers but was only given showers ever (3)days and sometimes every (5)days.(Aff. of Terence Banks par. 40)

38.The plaintiff got in the shower and ended up hurting his arm because he fall in the shower, and the wound opened back up.(Aff. of Terence Banks par. 41)

39.The Jail Handbook says on page:16 of the Racine County;Disciplinary Segregation,inmates are4 in separate housing units from the general population inmates.These inmates will receive their mail upon completion of their disciplinary when they are moved out of disciplinary status.inmates placed in Disciplinary segregation are allowed to have 1 pad of paper,1 pencil,hygiene items,abible not allowed.inmates are allowed telephone privilege during the 1 hour out their cell. Mattresses will be removed in these cells between 3:00am and 6:00pm daily.(Aff. of Terence Banks par.42)

40.Banks was in pain that made it hard because Banks had to lay on concrete and he was often tired because he was on all kinds of pain medication that made him tired without any blankets or a pillow.(Aff. of Terence Banks par.43)

41.Banks was given a medical order by the nurses for extra mattresses but was unable to get them items for about 13 hours a day.(Aff. of Terence Banks par. 44)

42.Banks was given a restriction for compression socks but was denied by the jail staff,which caused swelling in the legs.(Aff. of Terence Banks par. 45)

43.Banks gave a statement of the incident of what happened when C.O.Koldeway used excessive force,Banks had to see the nurse because Koldeway pushed Banks so hard in his amputated arm and it was already sensitive and it started to bleed and it wouldn't stop and green stuff was coming out it.Banks continued to be in pain for days and Banks was placed on pain killers and the doctors explained that his wound had been reopened up.(Aff. of Terence Banks par. 46)

44. Banks was ^{UN}able to exchange his uniform for a clean one and prepare his laundry bag with out help from inmates who he had to pay. (Aff. of Terence banks par. 47)

45. Banks was unable to change/tying sheets. (Aff. of Terence Banks par. 48)

46. Banks was in administrative segregation most of the time he was at Racine County Jail. (Aff. of Terence banks par. 49)

Dated this 10 day April, 2016.

Terence A. Banks (sr)
Terence Banks #352265
(WSPF) P.O. Box 9900
Boscobel, Wis. 53605